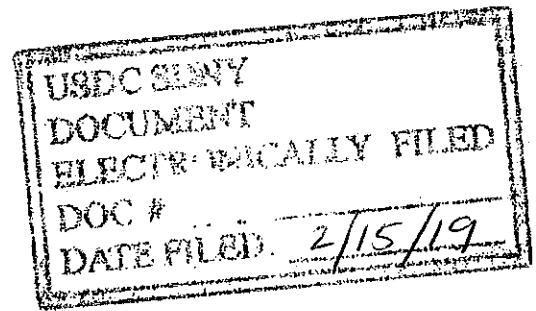


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

ROBERT G. LOPEZ,	:
	:
Plaintiff,	:
	:
-against-	:
	:
	:
ZAZZLE, INC., ET AL.,	:
	:
Defendant.	:
	:
-----X	

17 Cv. 8493 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court finds the following:

I. Pending Motions Related to Robert G. Lopez' ("Plaintiff")
Third Amended Complaint

The Court grants Defendant GoDaddy.com, LLC's ("GoDaddy") request [dkt. no. 382] to terminate GoDaddy's Motion to Dismiss the Third Amended Complaint [dkt. no. 94] as moot in light of GoDaddy's later-filed Motion to Dismiss the Fourth Amended Complaint [dkt. no. 224], which is currently pending before the Court. Accordingly, dkt. no. 94 is denied as moot.

The Court grants Defendant Hostway Corporation's ("Hostway") request [dkt. no. 381] to terminate Hostway's Motion to Dismiss the Third Amended Complaint [dkt. no. 110] as moot in light of Hostway's later-filed Motion to Dismiss the Fourth

Amended Complaint [dkt. no. 261], which is currently pending before the Court. Accordingly, dkt. no. 110 is denied as moot.

The Court grants Defendant Shopify (USA) Inc.'s ("Shopify USA") request [dkt. no. 384] to terminate Shopify USA's Motion to Dismiss the Third Amended Complaint [dkt. no. 114] as moot in light of Shopify USA's later-filed Motion to Dismiss the Fourth Amended Complaint [dkt. no. 228], which is currently pending before the Court. Accordingly, dkt. no. 114 is denied as moot.

The Court grants Defendant Microsoft Corporation's ("Microsoft") request [dkt. no. 379] to terminate Microsoft's Motion to Dismiss the Third Amended Complaint [dkt. no. 147] as moot in light of Microsoft's later-filed Motion to Dismiss the Fourth Amended Complaint [dkt. no. 236], which is currently pending before the Court. Accordingly, dkt. no. 147 is denied as moot.

The Court grants Defendants Pixels.com, LLC ("Pixels") and Sean T. Broihier's ("Broihier") requests [dkt. no. 383] to terminate their respective Motions to Dismiss the Third Amended Complaint [dkt. nos. 124, 126], respective Amended Motions to Dismiss the Third Amended Complaint [dkt. nos. 129, 130], and joint Motion for Oral Arguments on their respective Motions to Dismiss the Third Amended Complaint [dkt. no. 171] as moot in light of their later-filed, respective Motions to Dismiss the

Fourth Amended Complaint [dkt. nos. 242, 244], which are currently pending before the Court. Accordingly, dkt. nos. 124, 126, 129, 130, and 171 are denied as moot.

II. Deficient Docket Entry

Defendants Laura Sumampow Lopez ("Sumampow Lopez") and LES Strong NYC, Inc.'s ("LES Strong") joint Motion to Dismiss the Fourth Amended Complaint [dkt. no. 272] was flagged as a deficient docket entry, and, as such, was terminated on the docket. Accordingly, the Court will not consider that motion, Plaintiff's opposition papers [dkt. nos. 282-84], or Sumampow Lopez and LES Strong's joint reply paper [dkt. no. 292].

Sumampow Lopez and LES Strong are instructed to re-file their joint Motion to Dismiss the Fourth Amended Complaint on or before Wednesday, February 20, 2019.

Plaintiff has seven days from the date of Sumampow Lopez and LES Strong's re-filed, joint Motion to Dismiss the Fourth Amended Complaint to re-file his opposition papers.

Sumampow Lopez and LES Strong have seven days from the date of Plaintiff's re-filed opposition papers to re-file their joint reply paper.

III. Pending Motion for Oral Argument on the Fourth Amended Complaint

The Court denies GoDaddy's Motion for Oral Argument on the Fourth Amended Complaint [dkt. no. 226].

IV. Pending Pro Hac Vice Motion

The Court grants Defendant Levi Strauss & Co.'s ("Levi Strauss") Motion for Admission Pro Hac Vice [dkt. no. 317].

V. Pending Motions to Dismiss the Fourth Amended Complaint

As of the date of this Order, Plaintiff has not responded to the following Defendants' Motions to Dismiss the Fourth Amended Complaint: Poshmark, Inc. ("Poshmark") [dkt. no. 333]; Express Fashion Operations, LLC ("Express Fashion") [dkt. no. 341]; and Bonanza.com, Inc. ("Bonanza") [dkt. no. 350].

As Plaintiff proceeds pro se, the Court affords him one final opportunity to file his opposition papers in response to dkt. nos. 333, 341, and 350 on or before March 18, 2019. Plaintiff's failure to timely respond may result in dismissal with prejudice of his claims against Poshmark, Express Fashion, and Bonanza.

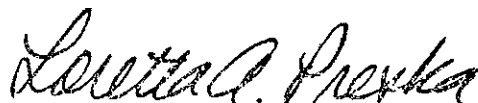
Poshmark, Express Fashion, and Bonanza have 31 days from the date of Plaintiff's opposition papers to file their respective reply papers.

The following Defendants' Motions to Dismiss the Fourth Amended Complaint are fully briefed and will be considered by the Court at the same time that the Court considers Sumampow Lopez, LES Strong, Poshmark, Express Fashion, and Bonzana's forthcoming fully-briefed Motions to Dismiss the Fourth Amended Complaint: GoDaddy [dkt. no. 224]; Shopify USA [dkt. no. 228]; Microsoft [dkt. no. 236]; Broihier [dkt. no. 242]; Pixels [dkt. no. 244]; Hostway [dkt. no. 261]; Acquia, Inc. [dkt. no. 305]; and Levi Strauss [dkt. no. 336].

Accordingly, the Clerk of the Court is instructed to move the following Defendants' Motions to Dismiss the Fourth Amended Complaint, which are currently on the March 31, 2019 six-month list, to the October 31, 2019 six-month list: GoDaddy [dkt. no. 224]; Shopify USA [dkt. no. 228]; Microsoft [dkt. no. 236]; Broihier [dkt. no. 242]; Pixels [dkt. no. 244]; and Hostway [dkt. no. 261].

SO ORDERED.

Dated: New York, New York
February 15, 2019



LORETTA A. PRESKA
Senior United States District Judge